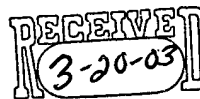


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3/28/03**DOCKET NO. RO4364US (NORT10-00005)**
Customer No. 33000

TC PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: : Andrew John Homan, et al.

Serial No. : 09/220,016

Filed : December 23, 1998

For : INTELLIGENT WIRELESS TERMINAL WITH VIRTUAL
MEMORY

Group No. : 2682

Examiner : Charles N. Appiah

BOX AFCommissioner for Patents
Washington, D. C. 20231Adjustment date: 11/20/2003 LBADE
10/31/2003 BDAVENPD 00000001 192550
01 FC:1006 750.00 CR 91002260 09220016

Sir:

PETITION TO WITHDRAW OFFICE ACTION

The Applicant respectfully petitions the Commissioner to withdraw the final Office Action mailed on February 26, 2003 and issue a Notice of Missing Parts.

The Applicant respectfully notes that a Continued Prosecution Application ("CPA") was filed on February 3, 2003 without the filing fee. The CPA contained no authorization to charge the filing fee to a deposit account, and no papers previously filed in this Application contained an authorization to charge future fees to a deposit account. As a result, the filing fee has not been paid, and the Applicants failed to receive a Notice of Missing Parts requesting payment of the filing fee.

The Applicant further notes that a prior law firm, Smart & Biggar, previously charged fees to Deposit Account 19-2550. The Applicant does not know if the PTO charged the filing fee for the

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ATTORNEY DOCKET NO. RO4364 (NORT10-00005)
U.S. SERIAL NO. 09/220,016
PATENT

CPA to Deposit Account 19-2550. However, a new Power of Attorney issued by assignee was filed on June 25, 2002 that effectively revoked all previous powers of attorney to prosecute this application (MPEP § 402.07). As a result, if the filing fee for the CPA was charged to Deposit Account 19-2550, the Applicant respectfully requests that the filing fee be refunded to Deposit Account 19-2550.

For these reasons, the Applicant respectfully requests that the final Office Action mailed on February 3, 2003 should be withdrawn and a Notice of Missing Parts should be issued.

Applicant does not believe that a petition fee is due, however, if required, the Commissioner is hereby authorized to charge proper fees connected with this communication or credit any overpayment to Davis Munck Deposit Account No. 50-0208.

Respectfully submitted,

DAVIS MUNCK, P.C.

Date: 3/20/2003


Robert D. McCutcheon
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DOCKET NO. RO4364US (NORT10-00005)
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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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BOX AF
Commissioner for Patents
Washington, D.C. 20231

CERTIFICATE OF TRANSMISSION BY FACSIMILE

Sir:

The undersigned hereby certifies that the following documents:

1. Petition to Withdraw Office Action

relating to the above application was faxed to 703-872-9315 on March 20, 2003.

Date: 3/20/03

Patty Eugenecker
Faxer

Date: 3/20/2003

Robert D. McCutcheon
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Facsimile Cover Sheet

To: Examiner C.N. Appiah
Group No. 2682

Fax: 703-872-9315

From: Robert D. McCutcheon, Esq.

Time: 3:12 PM

Date: March 20, 2003

Client/Matter: NORT10-00005

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